PETITION FOR ZONING VARIANCE N/S Brookshire Drive, 155' E c/l Benwell Road 58 Brookshire Drive 4th Election District 3rd Councilmanic District Melvin E. Freundlich, et ux

Petitioners

* BEFORE THE

* ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 89-379 A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

The Petitioners herein request a variance from Section 1802.3.B. to permit an open projection (deck) of 10' lieu of the permitted 6.25' as more particularly described on Petitioner's Exhibit 1.

The Petitioner, Melvin Freundlich, appeared and testified. were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R. and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Peti-

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore

SCHEDULE "A"

BEING KNOWN AND DESIGNATED as The Condominium Unit in the Fourth District BEING KNOWN AND DESIGNATED as The Condominium Unit in the Fourth District of Baltimore County, State of Maryland, and known as Unit A, Block P Building 59 as shown on a Plat entitled, "Plat of Phase Two Brookshire Condominium No. Two", as said Unit and said Condominium are established pursuant to a Declaration and Bylaws of "Brookshire Condominium No. Two", dated April 28, 1975, and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 5533, folio 218 and any amendments thereto and further amended by Amendatory Declaration recorded among the Land Records of Baltimore County dated February 1, 1978. in Liber E.H.K.. Ir. amendments thereto and further amended by Amendatory Declaration recorded among the Land Records of Baltimore County dated February 1, 1978, in Liber E.H.K., Jr. No. 5863, folio 422, and further amended by Amendatory Declaration recorded among the Land Records of Baltimore County dated June 30, 1978 in Liber E.H.K., Jr., No. 5916, folio 626, and pursuant to plans shown on a Plat recorded among the Land Records aforesaid in Condominium Plat Book E.H.K., Jr. #4, folios 82, 83, 84 and 85, and aforesaid in Condominium Plat Book E.H.K., Jr. #4, folios Recorded thereafter. atoresaid in Condominium Plat Book E.H.K., Jr. #4, tolios 84, 83, 84 and 85, and subsequent Amendments, Confirmatory Amendments and Plats recorded thereafter. The improvements thereon being known as No. 58 Brookshire Drive.

BELING ALSO KARWAN THAT THE SALO PROPERTY, KNOWN AS NO. SB BROOKSHIRE DRIVE IS ISS HELT ENS OF CENTRE LINE OF CENTRELL ROAD.

> CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

89-379-A

Date of Posting 2 - 27 - 89 Petition for Zoning Variance
Case number: 89-379-A
N/S Brookshire Dr., 155' E c/
I Berwell Road
58 Brookshire Road
4th Election District
3rd Councilments
Petitioner(s):
Metvin A. Freundlick, st ux Petitioner: Milren a Freundlich et ux Location of property: North side of Brestochine Drive, 155' E of the

CIL of Benwell Road (58 Broofshire Drive) Variance: to permit an open variance: to permit an open projection (deck) of 10 ft. in fieu of the permitted 6.25 ft. In the event that this Petition is granted, a building permit may be seved within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the in-Location of Signs: Of foot of 58 Brookshire Drive any request for a stay or the first surface of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

Posted by Signature

Date of return: 3-3-69

County this 22 nd day of March. 1989 that the Petition for Zoning Variance from Section 1802.3.B. to permit an open projection (deck) of 10' in lieu of the permitted 6.25°, as more particularly described on Petitioner's Exhibit 1 be and is hereby GRANTED, subject, however, to the following restriction:

> The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, aid property to its original

> > ZONING COMMISSIONER FOR BALTIMORE COUNTY

cc: Peoples Counsel

Show, which runs Thursday through Sunday, Mar.2-5, at Festival Hall in the Inner Harbor area. This annual show-Petition for Zoning Variance
CASE NUMBER: 89-379-A
N/S Brookshive Dr., 155' E o/I Berwell Fload
58 Brookshive Fload
4th Election District - 3rd Councilmente
Petitioner(s): Mehrin A. Freundlich, et ux
HEARING: THURS., MARCH 18, 1989 at 2:00 p.m. parating the RC-2 zone from th inves toxioning courses and designos 6 degress 54 minutes 46 seconds Ear, 1, thence (92) South 46 degress 0 seconds West 427.27 feet, and thenc 4 degress 43 minutes 34 seconds Ear thence teach 3 storesaid Zoning Lin 42 degress 58 minutes 30 second 21 feet to the point of beginning; cor 96 acres of land more or less. residential landscape designers side by side. Shows hours through Saturday are 10 a.m. to 9 p.m. Sunday hours are In the event that this Position is granted, a ages 6-12; under 6 free. day appeal period. The Zoning Commissioner will however, entertain any request for a stay of the

day of

issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or precented at the hearing. Vagabond Auditions Auditions for Paul Zindel's Pulitzer Prize winning drama, THE EFFECT OF GAMMA RAYS ON MAN-IN-THE MOON MARIGOLDS will be held at GAL NOTICE The Vagabond Theatre, 806 S. Broadway in Fells Point on Saturday, Mar. Singles 4 at 1 p.m. and Tuesday, Mar. 7 at 7

p.m. Necord are > remains the same of advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 2nd day of Menth 19 89

the first publication appearing on the 15+ day of Minch ,19 fg the second publication appearing on the _____day of ___ the third publication appearing on the

THE NORTHWEST STAR

It's the Maryland Flower and Garden

case offers the unique opportunity to

compare the works of the area's top

10 a.m. to 7 p.m. Admission is \$5; \$2,

Cost of Advertisement \$ 18

The Zoning Commissioner of Battmore County, by authority of the Zoning Act and Regulations of Battmore County will hold a public hearing on the properly identified herein in Room 108 of the County Office Building, lo-cated at 111 W. Chesapeaks Av-enue in Towson, Maryland 21204

ROBERT HAINES

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 7, 1989. THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Mssch 2 , 19.89.

THE JEFFERSONIAN,

5. Zehe Orlan

price \$37.43

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines



Dennis F. Rasmussen
County Emergine

Mr. and Mrs. Melvin A. Freundlich 58 Brookshire Drive Reisterstown, Maryland 21136

> RE: Petition for Zoning Variance Case No. 89-379 A

Dear Mr. and Mrs. Freundlich:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

> Very truly yours, J. Robert Haires A. Robert Haines Zoning Commissioner

Peoples Counsel

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 J. Robert Haines
Zoning Commissioner

February 16, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 89-379-A N/S Brookshire Dr., 155' E c/l Benwell Road 58 Brookshire Road 4th Election District - 3rd Councilmanic Petitioner(s): Melvin A. Freundlick, et ux HEARING SCHEDULED: THURSDAY, MARCH 16, 1989 at 2:00 p.m.

Variance to permit an open projection (deck) of 10 ft. in lieu of the permitted

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. 1. Polit House

J. ROBERT HAINES Zoning Commissioner of Baltimore County cc: Mr. & Mrs. Freundlich

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a -- open-projection-ficek}-of-101-is-liew-of-the-permitted-6,254---of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1) THE 6.25 FEEL WIDTH FAR A BECK IS NOT A AGAINCAL SIZE. THIS WIDTH BIMENSION WOOLS NOT ALLOW OR ACCOMPANAL HORMAN SIZE LOUNGE CHAIRS AND MAKE REMINITION NOW TO MOSE @ FAMILY BUTER PAULING ON THE ALLOWED WIGHT IS NOT PRACTICAL FOR RASIC COMPRET AND WITHOUTS.

3 THE ALLOWARD WISH OF 6.25 FEET LESSENS THE SECRET OF SHEETY ISA ALL WANDWILL (GNUELNES. (e.g. barbeculay)! Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I we are the legal owner(s) of the property, A I which is the subject of this Petition. Contract Purchaser: Legal Owner(s): MENN A. FREUNDLYCH (Type or Print Name) (Type or Print Name) Signature BARJARA A. CREWSHY Barbara a Fraundlich v 54,500 City and State Attorney for Petitioner: Name, address and phone number of legal owner, contract purchaser or representative to be contacted same es abox Attorney's Telephone No.: ORDERED By The Zoning Commissioner of Baltimore County, this ______day of ______, 1922, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204

J. Robert Haines Zoning Commissioner

Dennis F. Rasmussen

Mr. & Mrs. Melvin A. Freundlich 58 Brookshire Drive Reisterstown, Maryland 21136 Petition for Zoning Variance

CASE NUMBER: 89-379-A N/S Brookshire Dr., 155 E c/l Benwell Road 58 Brookshire Road 4th Election District - 3rd Councilmanic Petitioner(s): Melvin A. Freundlick, et ux

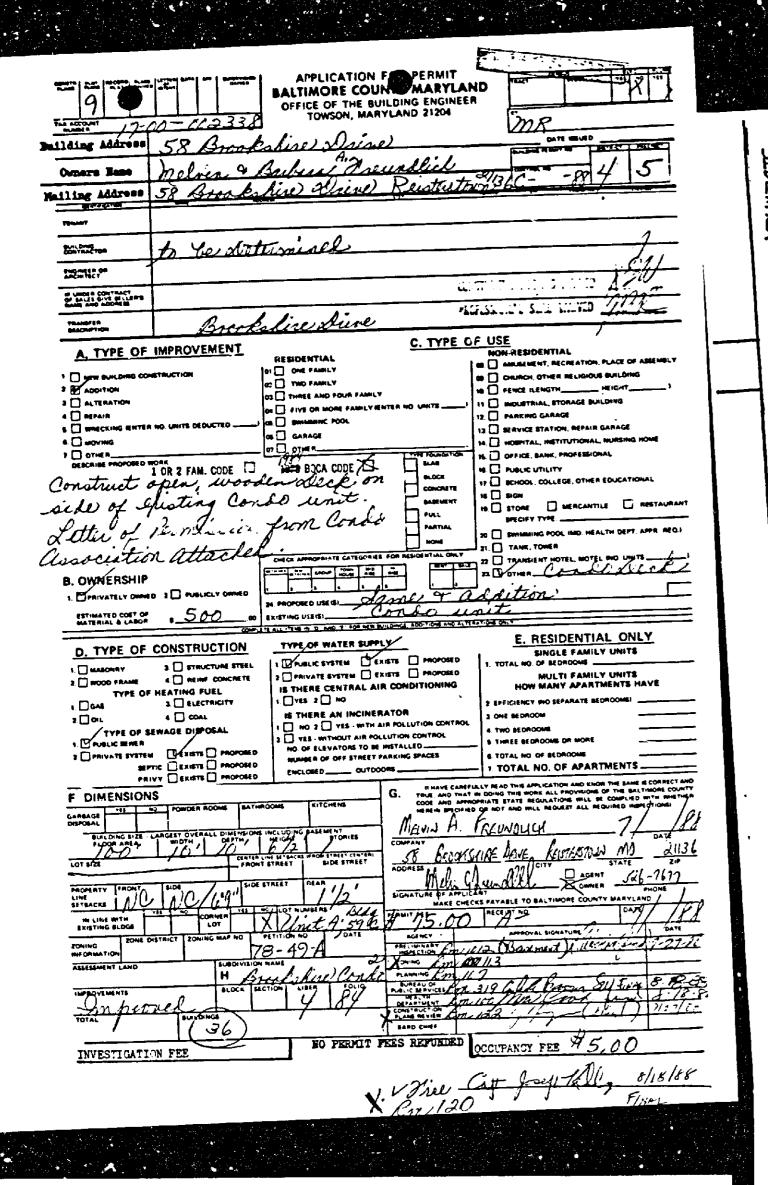
HEARING SCHEDULED: THURSDAY, MARCH 16, 1989 at 2:00 p.m. Dear Mr. & Mrs. Freundlich:

Please be advised that 10.43 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

BALTIMORE COUNTY, MARYLAND NO. 05	fice, County Office) minutes before
OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT ACCOUNT -01-6/5	i post set(s), there each set not
\$ 70.43	
RECEIVED Miliain a Thomastick	279 L
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811 ******/0/3:5 .11



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 3, 1989

CU.NTY OFFICE BLDG. 121 W. Chesapeake Ave. Turson, Maryland 21204 Mr. Melvin A. Freundick 58 Brookshire Drive Reisterstown, MD 21136

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Department of

E resu of Fire Prevention

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isilding Department

therd of Education

industrial

E-evelopment

: oning Administration

1:affic Engineering

State Roads Commission

RE: Item No. 306, Case No. 89-379-A Petitioner: Melvin A. Freundlick, et ux Petition for Zoning Variance

Dear Mr. Freundick:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested

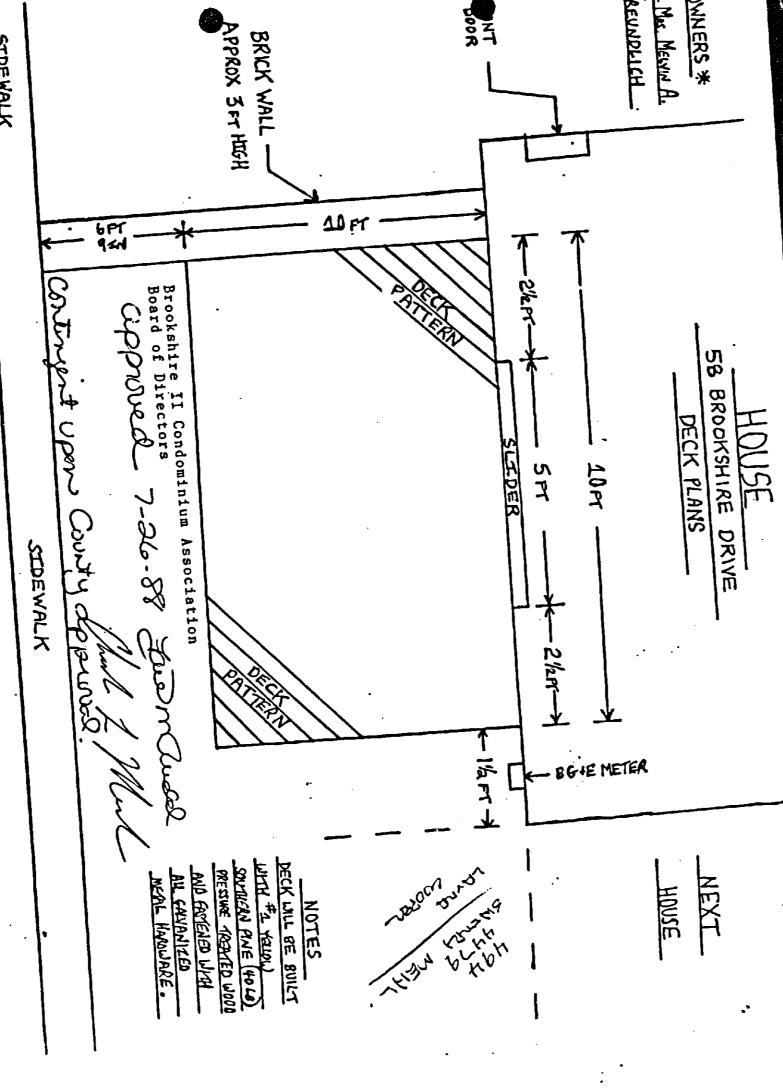
Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVEANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

> Very truly yours, James E. Deger/jer

JAMES E. DYER -Chairman Zoning Plans Advisory Committee

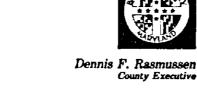
Enclosures



Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204

Mr. J. Robert Haines

Zoning Commissioner County Office Building March 1, 1989



Towson, MD 21204

Dear Mr. Haines.

The Bureau of Traffic Engineering has no comments for items number 275, 299, 300, 301, 302, 303, 304, 305, 306, 307, & 308.

Very truly yours, Michael S. Flanigan Traffic Engineer Assoc. II

MSF/lab

PETTIONERS 4 STONE WALL ARCHWAY DETAIL 1":30" BENWELL 4th Election Distere Public Utilities to Site BROOKSHIRE CONDOMINIUM Nº TWO Scale: 1".5"

Fran ? MELLIN A. FREUNDLICH REQUESTOR FOR FARLY MEARING ZONING OFFICE JUBSECT ? EARLY MEARING REQUEST On July 27, 1981, I BEGAN THE LOND AND ADDUOUS MOUSS OF TATING 10 OBTAIN ZONING VARINGE PEAMIT. NE 10 DIFFERENT & CONFYCTING DETAILS IN HOW TO OBTAIN A PARMIT, MAKE MAS BARN A 7-8 MONTH OBLAY IN GETTIJE AN THE PRODER INFORMATION) NEEDED. FIJANY, UN OI/19/89 DUE 10 THE EXCELLENT MELP OF MINCH KELLMAN ALL MA PAPERS WARE FILES AND ACCURAGELY. WOULD YOU PLEASE BE KND ENOUGH TO SUISSUE ME AN EARLY MEANUG AS PAST MISTORY MAS WOICATED ANAT I MAVE EXPERIENCES MUCH DELAT MANYING YOU FOR YOUR TIME & COURSEATION IN THIS MATTER OF GREAT

Baltimore County Fire Department Towson, Maryland 21204 2586 494-4500

Paul H. Reincke

February 14, 1989

J. Robert Haines, Zoning Commissioner Office of Planning & Zoning Baltimore County Office Building Towson, Maryland 21204

Melvin A. Freundlick
Re: Property Owner:
N/S of Brookshire Drive, 155' E of the Location: centerline of Benwell Road

Dennis F. Rasmussen
County Executive Zoning Agenda: Meeting of January 31, 1989 Item No.: 306

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protec-tion Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

BATIMORE COUNTY, MARITAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines Date March 7, 1989 TO Zoning Commissioner Pat Keller, Deputy Director FROM Office of Planning and Zoning

Zoning Petition Nos. 89-308-SPH (Jefferson); 89-318-A (Podles); 89-350-A (Khouzami); 89-354-A (Smith); 89-359-A (Heuttner); 89-363-A (Cash); 89-364-A (Kaplan); 89-368-A (Appel); 89-369-A (Mathai); 89-375-A (Vinson); 89-376-A (Gambrill); 89-378-A (Lim); 89-379-A (Freundlich); 89-387-A (Babikow) and 89-393-A (Lubman)

The Office of Planning and Zoning has no comment on the above listed petitions.

जिल्लामा विकास

89-379-A BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this 19th day of January , 1989.

Petitioner Melvin A. Preudlick, et un Received by: James E. Dyer Attorney

J. ROPERT HAINES
ZONING COMMISSIONER

Chairman, Zoning Plans Advisory Committee

ZONING OFFICE